IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 26TH JUNE 2007 / 5TH ASHADHA 1929

CRL.A.No. 517 of 2000()

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CC.492/1997 of JUDL.MAGISTRATE OF FIRST CLASS COURT-II, KANNUR

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APPELLANT:

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C.V.DINESHAN, S/O.KANNAN, 26 YEARS,
CHELERI VALIAPURAIYI HOUSE, CHAVITTADI PARA,
P.O. KANNADIPARAMBU, KANNUR.

BY ADV. SRI.C.K.SUDHEER

RESPONDENTS:

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1. C.V.NASSAR, S/O.MUHAMMED, 23 YEARS,
PUTHIYAPURAYIL HOUSE, CHAVITTAD PARA,
P.O.KANNADIPARAMBU, KANNUR.

2. C.V.MUHAMMED, FATHER'S NAME NOT KNOWN, 55 YEARS,
PUTHIYAPURAYIL HOUSE, CHAVITTAD PARA MATHODAM
P.O.KANNADIPARAMBU, KANNUR.

3. C.V.MANAFF, S/O.MUHAMMED, 20 YEARS,
PUTHIYAPURAYIL HOUSE, CHAVITTAD PARA,
P.O.KANNADIPARAMBU, KANNUR.

4. THE STATE OF KERALA, REP. BY P.O., HIGH COURT OF KERALA,
ERNAKULAM.

BY ADV. SRI.GRASHIOUS KURIAKOSE
PUBLIC PROSECUTOR, SRI C.K.SURESH.

THIS CRIMINAL APPEAL HAVING BEEN FINALLY HEARD
ON 26/06/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

**K.R.UDAYABHANU, J.**

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Crl.A.No.517 of 2000 (C)

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Dated this the 26th day of June, 2007

**J U D G M E N T**

There is no representation for the appellant.

2. The appellant is the complainant in a private complaint filed alleging offence under Sections 323, 324, 341 and 379 I.P.C read with Section 34 of the I.P.C. The same has been dismissed under Section 256(1) Cr.P.C.

3. Counsel for the respondents has pointed out that the complaint is filed as a counter blast to the police case against the complainant in the above case, that is, C.C.No.823/1997. After trial the accused therein was acquitted. Hence, if the present case in the nature of a counter case is tried after a long gap of 10 years, the same will seriously prejudice the accused.

4. It is also seen from the order in C.C.No.492/1997 that the complaint was filed on 24/07/1997 and the date of the acquittal/ dismissal of the complaint on account of the absence of the complainant, is dated 15/03/1999. No purpose would be served if trial is conducted after this much of time.

In the circumstances, I find that the petitioner has failed to substantiate any grounds to set aside the order of the court below. Hence, the appeal is dismissed.

**K.R.UDAYABHANU,**
**Judge**

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**K.R.UDAYABHANU, J.**

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Crl.A.No.517 of 2000 (C)

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**J U D G M E N T**

26th June, 2007